

BEFORE THE  
BOARD OF REGISTERED NURSING  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Statement of Issues Against:

**JACQUELINE NICOLE CANAVESIO**

Registered Nurse License Applicant

Respondent

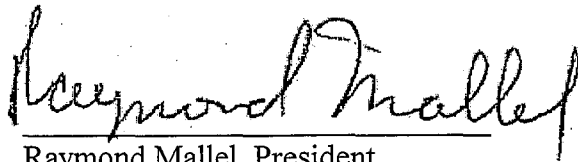
Case No. 2012-482

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Registered Nursing, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on **September 10, 2012.**

IT IS SO ORDERED **August 9, 2012.**



Raymond Mallel, President  
Board of Registered Nursing  
Department of Consumer Affairs  
State of California

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8  
9 **BEFORE THE**  
**BOARD OF REGISTERED NURSING**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues Against:

Case No. 2012-482

12 **JACQUELINE NICOLE CANAVESIO**  
13 2730 Pike Drive  
14 Napa, CA 94558

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 Registered Nurse License Applicant

16 Respondent.  
17

18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Louise R. Bailey, M.Ed., RN (Complainant) is the Interim Executive Officer of the  
22 Board of Registered Nursing. She brought this action solely in her official capacity and is  
23 represented in this matter by Kamala D. Harris, Attorney General of the State of California, by  
24 Aspasia A. Papavassiliou, Deputy Attorney General.

25 2. Respondent Jacqueline Nicole Canavesio (Respondent) is representing herself in this  
26 proceeding and has chosen not to exercise her right to be represented by counsel.

27 3. On or about April 6, 2011, Respondent filed an application dated April 5, 2011, with  
28 the Board of Registered Nursing to obtain a registered nurse license.



1 agency is involved, and shall not be admissible in any other criminal or civil proceeding.

2 CONTINGENCY

3 11. This stipulation shall be subject to approval by the Board. Respondent understands  
4 and agrees that counsel for Complainant and the staff of the Board may communicate directly  
5 with the Board regarding this stipulation and settlement, without notice to or participation by  
6 Respondent. By signing the stipulation, Respondent understands and agrees that she may not  
7 withdraw her agreement or seek to rescind the stipulation prior to the time the Board considers  
8 and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the  
9 Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this  
10 paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not  
11 be disqualified from further action by having considered this matter.

12 12. The parties understand and agree that facsimile copies of this Stipulated Settlement  
13 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
14 effect as the originals.

15 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
16 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
17 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
18 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
19 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
20 writing executed by an authorized representative of each of the parties.

21 14. In consideration of the foregoing admissions and stipulations, the parties agree that  
22 the Board may, without further notice or formal proceeding, issue and enter the following  
23 Disciplinary Order:

24 DISCIPLINARY ORDER

25 IT IS HEREBY ORDERED that the application of Respondent Jacqueline Nicole  
26 Canavesio for licensure is granted. Upon successful completion of the licensure examination and  
27 all other licensing requirements, a registered nurse license shall be issued to Respondent. The  
28

1 license shall immediately be revoked, the order of revocation stayed and Respondent placed on  
2 probation for a period of three (3) years on the following conditions:

3 **Severability Clause.** Each condition of probation contained in this Order is a separate and  
4 distinct condition. If any condition of this Order, or any application of this Order, is declared  
5 unenforceable in whole, in part, or to any extent, the remainder of this Order, and all other  
6 applications of the Order, shall not be affected. Each condition of this Order shall separately be  
7 valid and enforceable to the fullest extent permitted by law.

8 1. **Obey All Laws.** Respondent shall obey all federal, state and local laws. A full and  
9 detailed account of any and all violations of law shall be reported by Respondent to the Board in  
10 writing within seventy-two (72) hours of occurrence. To permit monitoring of compliance with  
11 this condition, Respondent shall submit completed fingerprint forms and fingerprint fees within  
12 45 days of the effective date of the decision, unless previously submitted as part of the licensure  
13 application process.

14 **Criminal Court Orders:** If Respondent is under criminal court orders, including  
15 probation or parole, and the order is violated, this shall be deemed a violation of these probation  
16 conditions, and may result in the filing of an accusation and/or petition to revoke probation.

17 2. **Comply with the Board's Probation Program.** Respondent shall fully comply with  
18 the conditions of the Probation Program established by the Board and cooperate with  
19 representatives of the Board in its monitoring and investigation of the Respondent's compliance  
20 with the Board's Probation Program. Respondent shall inform the Board in writing within no  
21 more than 15 days of any address change and shall at all times maintain an active, current license  
22 status with the Board, including during any period of suspension.

23 Upon successful completion of probation, Respondent's license shall be fully restored.

24 3. **Report in Person.** Respondent, during the period of probation, shall appear in  
25 person at interviews/meetings as directed by the Board or its designated representatives.

26 4. **Residency, Practice, or Licensure Outside of State.** Periods of residency or  
27 practice as a registered nurse outside of California shall not apply toward a reduction of this  
28 probation time period. Respondent's probation is tolled, if and when she resides outside of

1 California. Respondent must provide written notice to the Board within 15 days of any change of  
2 residency or practice outside the state, and within 30 days prior to re-establishing residency or  
3 returning to practice in this state.

4 Respondent shall provide a list of all states and territories where she has ever been licensed  
5 as a registered nurse, vocational nurse, or practical nurse. Respondent shall further provide  
6 information regarding the status of each license and any changes in such license status during the  
7 term of probation. Respondent shall inform the Board if she applies for or obtains a new nursing  
8 license during the term of probation.

9 **5. Submit Written Reports.** Respondent, during the period of probation, shall submit  
10 or cause to be submitted such written reports/declarations and verification of actions under  
11 penalty of perjury, as required by the Board. These reports/declarations shall contain statements  
12 relative to Respondent's compliance with all the conditions of the Board's Probation Program.  
13 Respondent shall immediately execute all release of information forms as may be required by the  
14 Board or its representatives.

15 Respondent shall provide a copy of this Decision to the nursing regulatory agency in every  
16 state and territory in which she has a registered nurse license.

17 **6. Function as a Registered Nurse.** Respondent, during the period of probation, shall  
18 engage in the practice of registered nursing in California for a minimum of 24 hours per week for  
19 6 consecutive months or as determined by the Board.

20 For purposes of compliance with the section, "engage in the practice of registered nursing"  
21 may include, when approved by the Board, volunteer work as a registered nurse, or work in any  
22 non-direct patient care position that requires licensure as a registered nurse.

23 The Board may require that advanced practice nurses engage in advanced practice nursing  
24 for a minimum of 24 hours per week for 6 consecutive months or as determined by the Board.

25 If Respondent has not complied with this condition during the probationary term, and  
26 Respondent has presented sufficient documentation of her good faith efforts to comply with this  
27 condition, and if no other conditions have been violated, the Board, in its discretion, may grant an  
28 extension of Respondent's probation period up to one year without further hearing in order to

1 comply with this condition. During the one year extension, all original conditions of probation  
2 shall apply.

3       **7. Employment Approval and Reporting Requirements.** Respondent shall obtain  
4 prior approval from the Board before commencing or continuing any employment, paid or  
5 voluntary, as a registered nurse. Respondent shall cause to be submitted to the Board all  
6 performance evaluations and other employment related reports as a registered nurse upon request  
7 of the Board.

8       Respondent shall provide a copy of this Decision to her employer and immediate  
9 supervisors prior to commencement of any nursing or other health care related employment.

10       In addition to the above, Respondent shall notify the Board in writing within seventy-two  
11 (72) hours after she obtains any nursing or other health care related employment. Respondent  
12 shall notify the Board in writing within seventy-two (72) hours after she is terminated or  
13 separated, regardless of cause, from any nursing, or other health care related employment with a  
14 full explanation of the circumstances surrounding the termination or separation.

15       **8. Supervision.** Respondent shall obtain prior approval from the Board regarding  
16 Respondent's level of supervision and/or collaboration before commencing or continuing any  
17 employment as a registered nurse, or education and training that includes patient care.

18       Respondent shall practice only under the direct supervision of a registered nurse in good  
19 standing (no current discipline) with the Board of Registered Nursing, unless alternative methods  
20 of supervision and/or collaboration (e.g., with an advanced practice nurse or physician) are  
21 approved.

22       Respondent's level of supervision and/or collaboration may include, but is not limited to the  
23 following:

24       (a) Maximum - The individual providing supervision and/or collaboration is present in  
25 the patient care area or in any other work setting at all times.

26       (b) Moderate - The individual providing supervision and/or collaboration is in the patient  
27 care unit or in any other work setting at least half the hours Respondent works.

28       (c) Minimum - The individual providing supervision and/or collaboration has person-to-

1 person communication with Respondent at least twice during each shift worked.

2 (d) Home Health Care - If Respondent is approved to work in the home health care  
3 setting, the individual providing supervision and/or collaboration shall have person-to-person  
4 communication with Respondent as required by the Board each work day. Respondent shall  
5 maintain telephone or other telecommunication contact with the individual providing supervision  
6 and/or collaboration as required by the Board during each work day. The individual providing  
7 supervision and/or collaboration shall conduct, as required by the Board, periodic, on-site visits to  
8 patients' homes visited by Respondent with or without Respondent present.

9 9. **Employment Limitations.** Respondent shall not work for a nurse's registry, in any  
10 private duty position as a registered nurse, a temporary nurse placement agency, a traveling nurse,  
11 or for an in-house nursing pool.

12 Respondent shall not work for a licensed home health agency as a visiting nurse unless the  
13 registered nursing supervision and other protections for home visits have been approved by the  
14 Board. Respondent shall not work in any other registered nursing occupation where home visits  
15 are required.

16 Respondent shall not work in any health care setting as a supervisor of registered nurses.  
17 The Board may additionally restrict Respondent from supervising licensed vocational nurses  
18 and/or unlicensed assistive personnel on a case-by-case basis.

19 Respondent shall not work as a faculty member in an approved school of nursing or as an  
20 instructor in a Board approved continuing education program.

21 Respondent shall work only on a regularly assigned, identified and predetermined  
22 worksite(s) and shall not work in a float capacity.

23 If Respondent is working or intends to work in excess of 40 hours per week, the Board may  
24 request documentation to determine whether there should be restrictions on the hours of work.

25 10. **Complete a Nursing Course(s).** Respondent, at her own expense, shall enroll and  
26 successfully complete a course(s) relevant to the practice of registered nursing no later than six  
27 months prior to the end of her probationary term.

28 Respondent shall obtain prior approval from the Board before enrolling in the course(s).



1 Respondent shall submit to the Board the original transcripts or certificates of completion for the  
2 above required course(s). The Board shall return the original documents to Respondent after  
3 photocopying them for its records.

4       **11. Violation of Probation.** If Respondent violates the conditions of her probation, the  
5 Board after giving Respondent notice and an opportunity to be heard, may set aside the stay order  
6 and impose the stayed discipline (revocation) of Respondent's license.

7       If during the period of probation, an accusation or petition to revoke probation has been  
8 filed against Respondent's license or the Attorney General's Office has been requested to prepare  
9 an accusation or petition to revoke probation against Respondent's license, the probationary  
10 period shall automatically be extended and shall not expire until the accusation or petition has  
11 been acted upon by the Board.

12       **12. License Surrender.** During Respondent's term of probation, if she ceases practicing  
13 due to retirement, health reasons or is otherwise unable to satisfy the conditions of probation,  
14 Respondent may surrender her license to the Board. The Board reserves the right to evaluate  
15 Respondent's request and to exercise its discretion whether to grant the request, or to take any  
16 other action deemed appropriate and reasonable under the circumstances, without further hearing.  
17 Upon formal acceptance of the tendered license and wall certificate, Respondent will no longer be  
18 subject to the conditions of probation.

19       Surrender of Respondent's license shall be considered a disciplinary action and shall  
20 become a part of Respondent's license history with the Board. A registered nurse whose license  
21 has been surrendered may petition the Board for reinstatement no sooner than the following  
22 minimum periods from the effective date of the disciplinary decision:

23       (1) Two years for reinstatement of a license that was surrendered for any reason other  
24 than a mental or physical illness; or

25       (2) One year for a license surrendered for a mental or physical illness.

26       **13. Physical Examination.** Within 45 days of the effective date of this Decision,  
27 Respondent, at her expense, shall have a licensed physician, nurse practitioner, or physician  
28 assistant, who is approved by the Board before the assessment is performed, submit an

1 assessment of the Respondent's physical condition and capability to perform the duties of a  
2 registered nurse. Such an assessment shall be submitted in a format acceptable to the Board. If  
3 medically determined, a recommended treatment program will be instituted and followed by the  
4 Respondent with the physician, nurse practitioner, or physician assistant providing written reports  
5 to the Board on forms provided by the Board.

6 If Respondent is determined to be unable to practice safely as a registered nurse, the  
7 licensed physician, nurse practitioner, or physician assistant making this determination shall  
8 immediately notify the Board and Respondent by telephone, and the Board shall request that the  
9 Attorney General's office prepare an accusation or petition to revoke probation. Respondent shall  
10 immediately cease practice and shall not resume practice until notified by the Board. During this  
11 period of suspension, Respondent shall not engage in any practice for which a license issued by  
12 the Board is required until the Board has notified Respondent that a medical determination  
13 permits Respondent to resume practice. This period of suspension will not apply to the reduction  
14 of this probationary time period.

15 If Respondent fails to have the above assessment submitted to the Board within the 45-day  
16 requirement, Respondent shall immediately cease practice and shall not resume practice until  
17 notified by the Board. This period of suspension will not apply to the reduction of this  
18 probationary time period. The Board may waive or postpone this suspension only if significant,  
19 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
20 by Respondent to obtain the assessment, and a specific date for compliance must be provided.  
21 Only one such waiver or extension may be permitted.

22 **14. Participate in Treatment/Rehabilitation Program for Chemical Dependence.**

23 Respondent, at her expense, shall successfully complete during the probationary period or shall  
24 have successfully completed prior to commencement of probation a Board-approved  
25 treatment/rehabilitation program of at least six months duration. As required, reports shall be  
26 submitted by the program on forms provided by the Board. If Respondent has not completed a  
27 Board-approved treatment/rehabilitation program prior to commencement of probation,  
28 Respondent, within 45 days from the effective date of the decision, shall be enrolled in a program.

1 If a program is not successfully completed within the first nine months of probation, the Board  
2 shall consider Respondent in violation of probation.

3 Based on Board recommendation, each week Respondent shall be required to attend at least  
4 one, but no more than five 12-step recovery meetings or equivalent (e.g., Narcotics Anonymous,  
5 Alcoholics Anonymous, etc.) and a nurse support group as approved and directed by the Board.  
6 If a nurse support group is not available, an additional 12-step meeting or equivalent shall be  
7 added. Respondent shall submit dated and signed documentation confirming such attendance to  
8 the Board during the entire period of probation. Respondent shall continue with the recovery plan  
9 recommended by the treatment/rehabilitation program or a licensed mental health examiner  
10 and/or other ongoing recovery groups.

11 **15. Abstain from Use of Psychotropic (Mood-Altering) Drugs.** Respondent shall  
12 completely abstain from the possession, injection or consumption by any route of all controlled  
13 substances and all psychotropic (mood altering) drugs, including alcohol, except when the same  
14 are ordered by a health care professional legally authorized to do so as part of documented  
15 medical treatment. Respondent shall have sent to the Board, in writing and within fourteen (14)  
16 days, by the prescribing health professional, a report identifying the medication, dosage, the date  
17 the medication was prescribed, the Respondent's prognosis, the date the medication will no  
18 longer be required, and the effect on the recovery plan, if appropriate.

19 Respondent shall identify for the Board a single physician, nurse practitioner or physician  
20 assistant who shall be aware of Respondent's history of substance abuse and will coordinate and  
21 monitor any prescriptions for Respondent for dangerous drugs, controlled substances or mood-  
22 altering drugs. The coordinating physician, nurse practitioner, or physician assistant shall report  
23 to the Board on a quarterly basis Respondent's compliance with this condition. If any substances  
24 considered addictive have been prescribed, the report shall identify a program for the time limited  
25 use of any such substances.

26 The Board may require the single coordinating physician, nurse practitioner, or physician  
27 assistant to be a specialist in addictive medicine, or to consult with a specialist in addictive  
28 medicine.

1       **16. Submit to Tests and Samples.** Respondent, at her expense, shall participate in a  
2 random, biological fluid testing or a drug screening program which the Board approves. The  
3 length of time and frequency will be subject to approval by the Board. Respondent is responsible  
4 for keeping the Board informed of Respondent's current telephone number at all times.  
5 Respondent shall also ensure that messages may be left at the telephone number when she is not  
6 available and ensure that reports are submitted directly by the testing agency to the Board, as  
7 directed. Any confirmed positive finding shall be reported immediately to the Board by the  
8 program and Respondent shall be considered in violation of probation.

9       In addition, Respondent, at any time during the period of probation, shall fully cooperate  
10 with the Board or any of its representatives, and shall, when requested, submit to such tests and  
11 samples as the Board or its representatives may require for the detection of alcohol, narcotics,  
12 hypnotics, dangerous drugs, or other controlled substances.

13       If Respondent has a positive drug screen for any substance not legally authorized and not  
14 reported to the coordinating physician, nurse practitioner, or physician assistant, and the Board  
15 files a petition to revoke probation or an accusation, the Board may suspend Respondent from  
16 practice pending the final decision on the petition to revoke probation or the accusation. This  
17 period of suspension will not apply to the reduction of this probationary time period.

18       If Respondent fails to participate in a random, biological fluid testing or drug screening  
19 program within the specified time frame, Respondent shall immediately cease practice and shall  
20 not resume practice until notified by the Board. After taking into account documented evidence  
21 of mitigation, if the Board files a petition to revoke probation or an accusation, the Board may  
22 suspend Respondent from practice pending the final decision on the petition to revoke probation  
23 or the accusation. This period of suspension will not apply to the reduction of this probationary  
24 time period.

25       **17. Mental Health Examination.** Respondent shall, within 45 days of the effective date  
26 of this Decision, have a mental health examination including psychological testing as appropriate  
27 to determine her capability to perform the duties of a registered nurse. The examination will be  
28 performed by a psychiatrist, psychologist or other licensed mental health practitioner approved by

1 the Board. The examining mental health practitioner will submit a written report of that  
2 assessment and recommendations to the Board. All costs are the responsibility of Respondent.  
3 Recommendations for treatment, therapy or counseling made as a result of the mental health  
4 examination will be instituted and followed by Respondent.

5 If Respondent is determined to be unable to practice safely as a registered nurse, the  
6 licensed mental health care practitioner making this determination shall immediately notify the  
7 Board and Respondent by telephone, and the Board shall request that the Attorney General's  
8 office prepare an accusation or petition to revoke probation. Respondent shall immediately cease  
9 practice and may not resume practice until notified by the Board. During this period of  
10 suspension, Respondent shall not engage in any practice for which a license issued by the Board  
11 is required, until the Board has notified Respondent that a mental health determination permits  
12 Respondent to resume practice. This period of suspension will not apply to the reduction of this  
13 probationary time period.

14 If Respondent fails to have the above assessment submitted to the Board within the 45-day  
15 requirement, Respondent shall immediately cease practice and shall not resume practice until  
16 notified by the Board. This period of suspension will not apply to the reduction of this  
17 probationary time period. The Board may waive or postpone this suspension only if significant,  
18 documented evidence of mitigation is provided. Such evidence must establish good faith efforts  
19 by Respondent to obtain the assessment, and a specific date for compliance must be provided.  
20 Only one such waiver or extension may be permitted.

21 **18. Therapy or Counseling Program.** Respondent, at her expense, shall participate in  
22 an on-going counseling program until such time as the Board releases her from this requirement  
23 and only upon the recommendation of the counselor. Written progress reports from the counselor  
24 will be required at various intervals.

#### 25 ACCEPTANCE

26 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the  
27 stipulation and the effect it will have on my registered nurse license. I enter into this Stipulated  
28

1 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be  
2 bound by the Decision and Order of the Board of Registered Nursing.

3  
4 DATED:

3/27/12



JACQUELINE NICOLE CANAVESIO  
Respondent

ENDORSEMENT

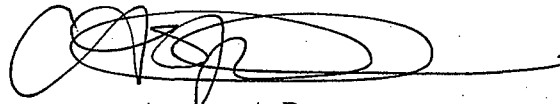
7 The foregoing Stipulated Settlement and Disciplinary Order is respectfully submitted for  
8 consideration by the Board of Registered Nursing of the Department of Consumer Affairs.

9  
10 Dated:

3/28/2012

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
DIANN SOKOLOFF  
Supervising Deputy Attorney General



ASPASIA A. PAPAVALASSILIOU  
Deputy Attorney General  
*Attorneys for Complainant*

18 SF2011203697  
19 Stipulation.rtf

## **Exhibit A**

**Statement of Issues No. 2012-482**

1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 SHANA A. BAGLEY  
Deputy Attorney General  
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Facsimile: (510) 622-2270  
7 *Attorneys for Complainant*

8 **BEFORE THE**  
9 **BOARD OF REGISTERED NURSING**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

11 In the Matter of the Statement of Issues  
Against:

Case No. **202-482**

12 **JACQUELINE NICOLE CANAVESIO**  
13 **2730 PIKE DRIVE**  
14 **NAPA, CA 94558**

**STATEMENT OF ISSUES**

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Louise R. Bailey, M.Ed., RN (Complainant) brings this Statement of Issues solely in  
19 her official capacity as the Interim Executive Officer of the Board of Registered Nursing,  
20 Department of Consumer Affairs (Board).

21 2. On or about April 6, 2011, the Board received an application for a Registered Nursing  
22 License from Jacqueline Nicole Canavesio (Respondent). On or about April 5, 2011, Respondent  
23 certified under penalty of perjury to the truthfulness of all statements, answers, and  
24 representations in the application. The Board denied the application on August 29, 2011.

25 ///

26 ///





1 (f) Conviction of a felony or of any offense substantially related to the  
2 qualifications, functions, and duties of a registered nurse, in which event the record  
3 of the conviction shall be conclusive evidence thereof.

4 7. Code section 2762 states, in part:

5 In addition to other acts constituting unprofessional conduct within the  
6 meaning of this chapter it is unprofessional conduct for a person licensed under  
7 this chapter to do any of the following:

8 (a) Obtain or possess in violation of law, or prescribe, or except as directed  
9 by a licensed physician and surgeon, dentist, or podiatrist administer to himself or  
10 herself, or furnish or administer to another, any controlled substance as defined in  
11 Division 10 (commencing with Section 11000) of the Health and Safety Code or  
12 any dangerous drug or dangerous device as defined in Section 4022.

13 (c) Be convicted of a criminal offense involving the . . . consumption, or  
14 self-administration of any of the substances described in subdivisions (a) and (b)  
15 of this section, or the possession of . . . the substances described in subdivision (a)  
16 of this section, in which event the record of the conviction is conclusive evidence  
17 thereof.

18 8. Code section 2765 provides:

19 A plea or verdict of guilty or a conviction following a plea of nolo  
20 contendere made to a charge substantially related to the qualifications, functions  
21 and duties of a registered nurse is deemed to be a conviction within the meaning of  
22 this article. The board may order the license or certificate suspended or revoked,  
23 or may decline to issue a license or certificate, when the time for appeal has  
24 elapsed, or the judgment of conviction has been affirmed on appeal or when an  
25 order granting probation is made suspending the imposition of sentence,  
26 irrespective of a subsequent order under the provisions of Section 1203.4 of the  
27 Penal Code allowing such person to withdraw his or her plea of guilty and to enter  
28 a plea of not guilty, or setting aside the verdict of guilty, or dismissing the  
accusation, information or indictment.

9. Code section 4022 provides, in part:

"Dangerous drug" . . . means any drug or device unsafe for self-use in  
humans or animals, and includes the following:

1 (c) Any other drug or device that by federal or state law can be lawfully  
2 dispensed only on prescription or furnished pursuant to Section 4006.

3 10. Code section 4060 provides, in pertinent part, that "[n]o person shall possess any  
4 controlled substance, except that furnished to a person upon the prescription of a physician . . ."

5 11. Penal Code section 1000, subdivision (d), provides that:

6 Deferred entry of judgment for a violation of Section 11368 of the Health  
7 and Safety Code shall not prohibit any administrative agency from taking  
8 disciplinary action against a licensee or from denying a license. Nothing in this  
9 subdivision shall be construed to expand or restrict the provisions of Section  
10 1000.4.

### 11 REGULATORY PROVISIONS

12 12. California Code of Regulations, title 16, section 1444, states:

13 A conviction or act shall be considered to be substantially related to the  
14 qualifications, functions or duties of a registered nurse if to a substantial degree it  
15 evidences the present or potential unfitness of a registered nurse to practice in a  
16 manner consistent with the public health, safety, or welfare. . . .

### 17 DRUGS

18 13. "Methamphetamine" is a Schedule II controlled substance as designated by Health  
19 and Safety Code section 11055, subdivision (d)(2), and a dangerous drug as designated by  
20 Business and Professions Code section 4022. It is a stimulant.

### 21 FIRST CAUSE FOR DENIAL OF APPLICATION

22 (Unprofessional Conduct: Substantially Related Conviction)  
23 (Business and Professions Code §§ 480(a)(1) and 2761(f))

24 14. Respondent's application is subject to denial under Code sections 480, subdivision  
25 (a)(1), and 2761, subdivision (f), in that she was convicted of an offense substantially related to  
26 the qualifications, functions, and duties of a Registered Nurse, within the meaning of California  
27 Code of Regulations, title 16, section 1444. The circumstances are as follows:

28 a. On or about March 14, 2005, in a criminal proceeding entitled *People v. Jacqueline*  
*Canavesio* in Napa County Superior Court, Case Number CR-115631, Respondent was convicted

1 by plea of nolo contendere in Health & Safety Code section 11378 (Possession of Controlled  
2 Substance for Sale), a felony.

3 b. Respondent was sentenced as follows: serve 180 days jail, serve 3 years formal  
4 probation, and comply with other terms and conditions. Respondent was eligible for and  
5 completed the requirements Penal Code section 1000 and Proposition 36 provisions. On or about  
6 August 11, 2008, the court dismissed Respondent's conviction pursuant to Penal Code section  
7 1203.4.

8 c. The circumstances underlying the convictions are as follows: on or about October 30,  
9 2003, Respondent was arrested by the Napa Special Investigations Bureau for possession of  
10 methamphetamine for sale, possession of an illegal weapon, and possession of a controlled  
11 substance. One of the arresting officers observed Respondent drive by the residence (that was the  
12 subject of a search warrant) six times and park nearby. After a search of Respondent's car, one of  
13 the arresting officers found three plastic sandwich bags that contained 1.5, 2.0, and 2.9 grams of  
14 methamphetamine.

15 **SECOND CAUSE FOR DENIAL OF APPLICATION**

16 (Unprofessional Conduct: Possession of Controlled Substance)  
17 (Business and Professions Code §§ 2761(a) and 2762(a))

18 15. Respondent's application is subject to denial under Code sections 2761, subdivision  
19 (a), and 2762, subdivision (a), in that Respondent obtained or possessed methamphetamine, a  
20 controlled substance, in violation of law. The circumstances are more particularly set forth in  
21 Paragraph 14 and its subparts, above.

22 **THIRD CAUSE FOR DENIAL OF APPLICATION**

23 (Unprofessional Conduct: Drug -Related Convictions)  
24 (Business and Professions Code §§ 2761(a) and 2762(c))

25 16. Respondent's application is subject to denial under Code sections 2761, subdivision  
26 (a), and 2762, subdivision (c), in that Respondent was convicted of an offense involving the  
27 possession of a controlled substance. The circumstances are more particularly set forth in  
28 Paragraph 14 and its subparts, above.

1 **FOURTH CAUSE FOR DENIAL OF APPLICATION**

2 (Act if Done by a Licentiate Would be Grounds for Suspension or Revocation)  
3 (Business and Professions Code §480(a)(3))

4 17. Respondent's application is subject to denial under Code section 480, subdivision  
5 (a)(3), in that Respondent committed acts, which if done by a licentiate of the business or  
6 profession in question, would be grounds for suspension or revocation of license. The  
7 circumstances are more particularly set forth in Paragraphs 14 -16 and their subparts, above.

8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
10 and that following the hearing, the Board of Registered Nursing, Department of Consumer Affairs  
11 issue a decision:

- 12 1. Denying the application of Jacqueline Nicole Canavesio for a Registered Nursing  
13 License; and  
14 2. Taking such other and further action as deemed necessary and proper.

15 DATED: February 22, 2012

*Louise R. Bailey*  
16 LOUISE R. BAILEY, M.ED., RN  
17 Interim Executive Officer  
18 Board of Registered Nursing  
19 Department of Consumer Affairs  
20 State of California  
21 Complainant

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